

In 1992, when President Bush stood for reelection and the Democrats controlled the Senate, the Senate confirmed 11 circuit court judges and 55 district court judges. In other words, the Democratically controlled Senate in 1992 confirmed almost four times the number of Republican nominees confirmed by the Republican controlled Senate in 1996, and almost 25 percent more judges than the Republican Senate has confirmed in the last 2 years combined.

Similarly, in 1988, when Vice President Bush stood for election, the Democratically controlled Senate confirmed 7 circuit court judges and 33 district court judges—over twice the number of judges confirmed last year, and more judges than were confirmed in this past nonelection year.

Clearly, in the last couple of years, the politicization of the confirmation process has increased. Today, the Republican majority in the Senate is effectively bottling up nominees in committee and on the floor, in stark contrast to the behavior of Democratically controlled Senates over the last decade.

This politicization, Mr. President, has been extended to include the practice of denying nominees an up or down vote on the Senate floor, or even in the Judiciary Committee. If the majority of the Senate opposes a judicial nominee enough to derail a nomination by an up or down vote, then at least the process has been served. Instead, however, the President's nominees are not even receiving that courtesy from this Senate: Some of the individuals whose nominations are pending before the Judiciary Committee or the full Senate have not been allowed a vote on the floor, much less in committee, for close to 2 years. It is especially troubling that of the 14 nominees who have been held up the longest by the Republican majority in the Senate, 12 are women or minorities.

Let me give one example of this phenomenon—that of James Beaty, the President's nominee to the Fourth Circuit Court of Appeals, which includes my State of Maryland.

Judge Beaty, currently a district court judge in North Carolina, was nominated by the President to the court of appeals in the 104th Congress, during which he did not even receive a vote in committee. He was renominated on January 7 of this year, and has yet to receive even a hearing in the committee, much less an up-or-down vote there, or on the floor.

Some have argued against Judge Beaty's nomination that, in their view, the fourth circuit does not need an additional judge, and that failure to confirm him would amount to a conservation of taxpayer resources. Assuming for the sake of argument that that is the case—and I would disagree that it is the case—Congress should act affirmatively to eliminate the vacant seat on that court before a nominee comes before it, not stall an individ-

ual's nomination into oblivion with arguments created after the fact. When you have a nominee sent to the Senate and then claims are made that the seat is unnecessary, it is simply impossible to divorce the claim that the seat is unnecessary from an ad hominem attack on the candidate himself.

Judge Beaty, if confirmed to the fourth circuit, would be the first African-American to sit on that court. Prior to becoming a district court judge, Judge Beaty maintained a general civil and criminal litigation practice in Winston-Salem, NC, and then served as a State court judge for 13 years. These accomplishments entitle him, at the very least, to an up-or-down vote on the floor of the U.S. Senate. Instead, he has not even received a committee hearing—much less a committee vote, at the hands of the majority.

By any measure, Mr. President, the Congress has become increasingly politicized in the last few years. I submit to my colleagues, however, that if there is one subject that should remain immune from political games and pressure it is our Federal judicial system, which is the envy of the world for its independence and integrity, and which is absolutely fundamental to our system of government.

It is essential for the maintenance of public confidence in this system that the confirmation process be as far removed from politics as possible. Yet we seem to be moving in the exact opposite direction, as we hear Members of the other party calling for impeachment of judges on the basis of decisions with which the Members disagree, and for defeat of judicial nominees deemed to possess liberal or activist tendencies.

This behavior—while perhaps politically advantageous in the short run—betrays a basic and dangerous misunderstanding of the role of the courts in our system of government.

Moreover, on a purely practical level, the Senate's failure to confirm the 42 nominees before it adjourns hamstringing the courts' ability to deal with its ever-increasing caseload—an increase that, I might add, Mr. President, is in large part due to the majority's proclivity for federalizing areas of law that have been historically left to the States.

So we have district judges throughout the country putting aside all civil cases in order to deal with their criminal dockets, because their courts have been left shorthanded by the Senate's inaction. We have courts of appeals canceling oral arguments because of shortages on their courts. We have Chief Justice Rehnquist—hardly the kind of liberal judicial activist that so concerns the majority—calling the problem of judicial vacancies the most pressing problem facing the Federal courts today. And yet we see little in the way of movement by the Senate to alleviate these burdens.

Mr. President, I hope my colleagues—especially my Republican colleagues—

will give serious attention to the problems, both practical and philosophical, that will result if the Senate does not revisit its approach to the judicial confirmation process, and that in this area, the second session of the 105th Congress will proceed in a markedly different manner than the last 2 years.

In closing, I would like to commend the efforts of my colleague from Vermont, Senator LEAHY, the ranking member of the Judiciary Committee, in this area. He has tried to jog the Senate into acting to resolve this problem: I regret that his calls for action have not been heeded thus far, though I hold out hope that common sense and respect for our constitutional system will prevail in the long run. ●

TRIBUTE TO DAVID EDELSTEIN AND THE JEWISH COMMUNITY COUNCIL OF PELHAM PARKWAY

● Mr. MOYNIHAN. Mr. President, the members of the Jewish Community Council of Pelham Parkway in the Bronx recently celebrated the 20th anniversary of David Edelstein's tenure as their executive director.

Twenty years ago the Bronx was a virtual, albeit not entirely appropriate, synonym for urban decay and middle-class flight. The Jewish Community Council of Pelham Parkway is one of the dynamic grassroots neighborhood groups that have helped bring about a dramatic change in this proud borough.

Much of the credit for the council's success belongs to its indefatigable executive director. David Edelstein came to the Jewish Community Council of Pelham Parkway on September 7, 1977. He helped establish the council's programs of social service, community development, Jewish cultural enrichment, and civic improvement. He pioneered the creation of programs that led to the reinvestment of over \$17 million in the neighborhood's multifamily housing stock and played a key role in the creation of programs that helped settle over 3,000 Soviet Jewish immigrants in the Pelham Parkway neighborhood. David's leadership has enabled the council to sponsor programs that assure the availability of Jewish education for all neighborhood youngsters.

David established relationships with New York City's major Jewish organizations, helping to assure that needy families in Pelham Parkway could be helped with the resources available from those agencies. The council distributes over \$25,000 in emergency and/or supplemental food to over 500 needy families every year. Hundreds of people have been helped with emergency home care, transportation for the homebound, eviction prevention, and other forms of emergency assistance.

David has helped the Jewish Community Council become the unified voice of the Jewish community in the Pelham Parkway neighborhood. Working with the council's active board of directors and maintaining relationships with the police, medical centers,

elected officials, and others whose decisions impact on the community's quality of life, David has worked to assure cooperation and consensus on issues of community concern.

My childhood friend, the late distinguished New York State Senator Joseph Galiber worked closely with David Edelstein and was fond of noting the Jewish Community Council's many strengths and successes. I know I speak for all of my colleagues in the Senate when I congratulate David Edelstein and the Jewish Community Council of Pelham Parkway on two decades of inspired leadership.●

STATEMENT ON CURRENT STATUS OF FISCAL YEAR 1998 APPROPRIATIONS BILLS

● Mr. DOMENICI. With the completion of congressional action on the 13 annual fiscal year 1998 appropriations bills, I submit a table to the Senate showing the current status of the bills compared to the most recently filed Section 302(b) allocations by the Senate Appropriations Committee on November 13, 1997.

I note that the Interior and related agencies Appropriations bill under the current 302(b) allocation is over the subcommittee's allocation for both budget authority and outlays. A provi-

sion in the final Interior appropriations bill amends the budget resolution to trigger the allocation of an additional \$700 million in budget authority and \$257 million in outlays to the Appropriations Committee for land acquisition. I have filed that allocation today.

Once the Senate Appropriations Committee revises its 302(b) allocations to reflect the land acquisition funding, the Interior and related agencies appropriations bill will be within the subcommittee's funding allocation.

I ask to have printed in the RECORD the pertinent tables.

The material follows:

STATUS OF APPROPRIATION BILLS IN THE SENATE

[Fiscal year 1998, in millions of dollars]

Subcommittee	Current status		302(b) allocation as of Nov. 13, 1997		Difference	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture, Rural Development, and Related Agencies:						
Non-Defense	13,751	13,997	13,751	13,997		
Mandatory	35,048	35,205	35,048	35,205		
Bill total	48,799	49,202				
Commerce, Justice, State, and the Judiciary:						
Defense	298	340	298	342		-2
Non-Defense	25,750	25,211	25,757	25,285	-7	-74
Crime	5,225	3,400	5,225	3,401		-1
Total discretionary	31,273	28,951	31,280	29,028	-7	-77
Mandatory	522	532	522	532		
Bill total	31,795	29,483				
Defense:						
Defense	247,485	244,167	247,485	244,232		-65
Non-Defense	27	31	27	31		
Total discretionary	247,512	244,198	247,512	244,263		-65
Mandatory	197	197	197	197		
Bill total	247,709	244,395				
District of Columbia: Non-Defense						
	855	554	862	561	-7	-7
Energy and Water Development:						
Defense	11,540	11,897	11,600	11,897	-60	
Non-Defense	9,192	8,983	9,193	8,996	-1	-13
Bill total	20,732	20,880	20,793	20,893	-61	-13
Foreign Operations:						
Non-Defense	13,147	13,079	13,147	13,083		-4
Mandatory	44	44	44	44		
Bill total	13,191	13,123				
Interior:¹						
Non-Defense	13,799	13,707	13,100	13,472	699	235
Mandatory	55	50	55	50		
Bill total	13,854	13,757				
Labor—HHS—Education:						
Non-Defense	80,259	76,072	80,259	76,072		
Crime	144	65	144	65		
Total discretionary	80,403	76,137	80,403	76,137		
Mandatory	206,611	209,167	206,611	209,167		
Bill total	287,014	285,304				
Legislative Branch:						
Non-Defense	2,251	2,251	2,251	2,251		
Mandatory	92	92	92	92		
Bill total	2,343	2,343				
Military Construction: Defense						
	9,183	9,862	9,183	9,920		-58
Transportation:						
Defense	300	299	300	299		
Non-Defense	12,111	36,905	12,111	36,905		
Total discretionary	12,411	37,204	12,411	37,204		
Mandatory	698	665	698	665		
Bill total	13,109	37,869				
Treasury, Postal Service, and General Government:						
Non-Defense	12,604	12,377	12,604	12,377		
Crime	131	118	131	126		-8
Total discretionary	12,735	12,495	12,735	12,503		-8
Mandatory	12,713	12,712	12,713	12,712		
Bill total	25,448	25,207				